

REMARKS

Applicants have studied the Office Action of April 21, 2008, and take this opportunity to present arguments in support of patentability. Claims 1 and 5 have been amended. Claims 15 and 16 have been cancelled. It is believed that upon objective review of the claims, and particularly analyzing this information at the time the invention was made, that it will be clear that the claims define over any fair teaching attributable to the prior art.

Applicants believe that this application is now in condition for allowance and early notice thereof is respectfully requested.

Drawing Objections

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the support members formed in the base wall and removable shelf, and the flanges formed in the support wall (claims 15, 16) must be shown or the feature(s) cancelled from the claims. Claims 15 and 16 have been cancelled.

Claim Objections

Claim 5 is objected to because of the following informalities: in line 1, after the word "wherein", insert --the--; in line 2, the word "has" should be --have--. Applicants have amended claim 5 to overcome this objection.

35 USC § 103(a) Rejections

Claims 1, 6, 9 and 14-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (U.S. Patent No. 3,168,365), in view of Snoke et al. (U.S. Patent No. 6,152,552) and Gutner (U.S. Patent No. 4,189,796). Evans was deemed to disclose a cabinet (10, 10') with opposite first (12) and second (13) side walls interconnected by a rear third wall (11, 11'); a base wall; a removable shelf (20) with a planar surface (25); and aligned support members (17') punched out of and extending from the rear third wall such that openings are formed adjacent thereto, the support members including first legs extending perpendicular to the wall and second legs

extending perpendicular to the first legs and spaced parallel to the wall; the flanges of the shelf being received between the walls of the cabinet and the legs of the support members to secure the shelf in place.

Evans was acknowledged to not teach an aligned first support member punched out of and extending from the first side wall of the cabinet. Snoke et al. were deemed to teach a cabinet (10) having wall components (26) forming a rear wall and opposing side walls; a base wall (28); and a removable shelf (30) with a planar surface and flanges (76) with openings (40) therein; the side and rear walls of the cabinet having aligned support members (44) punched out and extending therefrom such that openings are formed adjacent thereto. Evans was deemed to teach a cabinet upon which the claimed side wall support members can be seen as an improvement; and Snoke et al. were deemed to teach support members punched out of both side and rear walls to support a shelf.

Evans and Snoke et al. were acknowledged to not teach support members with straight first and second legs, or dimples received in openings in the shelf flanges. Gutner was deemed to teach a support structure having an L-shaped support member (18) engaging a flange (13); the support member being punched out of and extending from a plate (14) such that an opening (19) is formed through the plate; the support member including a straight first leg perpendicular to the plate and a straight second leg perpendicular to the first leg and spaced parallel to the plate (see Fig. 4), the second leg including a substantially hemispherical dimple (20) extending towards the plate opening; and the flange including a circular opening (21) dimensioned to receive the support member dimple.

Claim 1 has been amended to recite that the dimples have rounded edges and the openings extend completely through the first, second and third flanges and are dimensioned to receive the rounded edges of the dimples. These limitations are clearly shown in Figures 6, 7, 8, 9 and 12 of the present specification, which show the dimple 116 is hemispherical and has rounded edges, and openings 100, 130 are circular and extend completely through the flanges and are dimensioned to receive the rounded edges of the dimple 116. Evans, Snoke et al. and Gutner do not, either alone or in combination, teach hemispherical dimples with rounded edges, or openings extending

completely through flanges dimensioned to receive rounded edges of the dimples. Gutner teaches similarly contoured detents 20, 21 with sharp edges, not rounded edges and not an opening extending completely through a flange to receive a dimple. Rather, the detents 20, 21 align and mate with each other.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Evans, Snoke et al., and Gutner, and further in view of Young (U.S. Patent No. 3,677,202). Evans, Snoke et al., and Gutner were acknowledged to not teach rounded upper edges on the support members. Young was deemed to teach a shelf support structure having support members (25) punched out of and extending from walls (23), the support members having rounded upper edges (35) to ease assembly of the system. Claim 5 depends from amended claim 1 and is in condition for allowance for the reasons discussed for claim 1.

35 USC § 112 Rejections

Claims 15 and 16 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 15 and 16 have been cancelled.

Claims 1, 5, 6, 9 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recited the limitation "a removable shelf including a planar surface" in line 23, and "the removable shelf further including . . . a planar surface" in lines 37-38. It was deemed unclear whether the two recitations of "a planar surface" were meant to denote separate surfaces or the same surface of the shelf. Similarly, claim 16 recited "a planar surface of the support wall" where an identical recitation was deemed to already exist in claim 15. Applicants agree and have amended claim 1 to overcome this rejection. Claims 15 and 16 have been cancelled.

CONCLUSION

Applicants respectfully submit that the present Amendment removes issue for appeal, or in some other way, requires only a cursory review by the Examiner. The claims as amended do not raise any issues with regard to new matter, do not present new issues requiring further search or consideration and/or place the application into better for appeal. Accordingly, the amendment should be entered and the application forwarded for issuance.

For the reasons detailed above, it is respectfully submitted that all claims remaining in the application are now in condition for allowance.

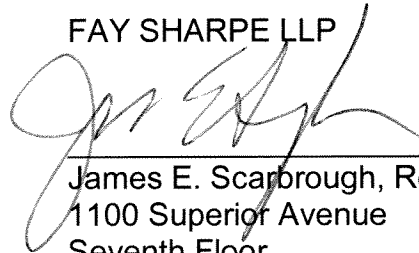
No additional fee is believed to be required for this Amendment. If, however, a fee is due, the Commissioner is authorized to charge our Deposit Account No. 06-0308.

In the event the Examiner believes a telephone call would expedite prosecution, he is invited to call the undersigned.

Respectfully submitted,

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